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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,362	02/23/2004	William O. Hogue	DP-311004 7500/257	8850

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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
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EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,362

Applicant(s)

HOGUE ET AL.

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed February 17, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,614,455 to Skipper.

Re-claims 1, 2, 8, 13, 19 and 21, Skipper discloses a mount comprising: an input side attachment member 18; a plurality of isolation pads (interpreted as 12 and 19, this is consistent with the instant specification which states that the pads can be any elastomeric material, which is a polymer) are positioned within the input side attachment member, the two pads have a different performance characteristics; a portion of an output side attachment member 13 is positioned within the input side attachment member, pad 12 is post-vulcanized bonded to member 14 of the output side attachment member, see column 1 lines 53-57. The pads are post-vulcanization or PV-bonded substantially simultaneously. As best understood by the examiner PV-bonded is the same as post-vulcanization, as indicated in the references cited by the applicant, see specifically US 4,987,679 and US 5,031,873 which repeatedly talks about post-vulcanization bonding.

Re-claims 3, 9 and 20, Skipper discloses in column 1 lines 9-10 that a plurality of elastomeric components can be used.

Re-claims 4, 6 and 11, see element 14.

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Re-claims 5 and 10, see element 18.

Re-claims 7 and 12, the mount is capable of use as an engine mount.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,981,287 to Cothenet in view of US 5,031,873 to Rau.

Re-claims 14 and 15, Cothenet teaches a strut mount having an output side attachment member, a strut mount, a plurality of isolation pads (such as 11, 14 and 17) positioned between the output side attachment member and the strut mount, pads 11 and 14 have different performance characteristics (element 11 is a low rigidity ring, element 14 is a high rigidity ring). However, Cothenet fails to teach the means by which the pads are bonded to the strut mount.

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Rau teaches a post-vulcanization bonding technique (or PV-bonding, as cited by the applicant) used for bonded elastomeric elements to a member. Rau teaches that this technique reduces assembly time over other bonding methods, see column 2 lines 33-36. It would have been obvious to one of ordinary skill in the art to have utilized the teachings of Rau regarding post vulcanization bonding when having attached the elastomeric elements to the strut mount in Cothenet, thus reducing assembly time.

Re-claim 16, the two pads are interpreted as the bond between 14 and 17. Cothenet teaches that element 17 can be formed from a plastic material.

Re-claim 17, pads 11 are bonded to the output side attachment member.

Re-claim 18, the mount is an automotive strut mount.

Response to Arguments

7. Applicant's arguments filed February 17, 2005 have been fully considered but they are not persuasive. The arguments regarding the difference between post-vulcanization bonding and PV-bonding are unclear. It appears from the specification and from the cited references that the process is the same. The applicant cites two references US 4,987,679 and 5,031,873 that disclose the supposed PV-bonding process. However, both of these references talk extensively about a post-vulcanization process. As such it is the opinion of the examiner that Skipper does indeed anticipate the recited bonding process when talking about a post-vulcanization process. The specifics of the PV-bonding process are not relevant to the claim language. Regarding the use of plastics as isolation pads. It is the opinion of the examiner that plastics (either hard or soft) can be used as isolation pads. Furthermore, the instant application clearly states that the isolation pads can be made from a variety of materials including elastomers. Elastomers include

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polymer materials, which are in fact plastics. Therefore it is the opinion of the examiner that isolation pads can be made from plastics, specifically if one wishes to obtain a higher stiffness level than exhibited by rubber. It is noted that the applicant has disclosed that various design features can be taken into consideration when designing the isolation pads, one of these features is stiffness.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci, can be reached at 571-272-7099. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

April 26, 2005

THOMAS WILLIAMS
PATENT EXAMINER

Thomas Williams

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4-27-05